

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LENIER AYERS,

Plaintiff,

v.

ROBIN ARNOLD WILLIAMS *et al.*,

Defendants.

Case No. C07-5540RBL

ORDER DENYING PLAINTIFF'S
MOTION TO DEDUCT FILING
FEES FROM A SETTLEMENT
AND IN ALL OTHER RESPECTS
STAYING THIS ACTION

This civil rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Plaintiff filed a motion to proceed *in forma pauperis*. The court was informed of a settlement where the plaintiff received \$12, 000 Dollars (Dkt. # 4). A Report and Recommendation to deny *in forma pauperis* status was filed (Dkt # 3). That Report and Recommendation was adopted and plaintiff has been given until December 3, 2007 to pay the filing fee.

Plaintiff has filed numerous documents referring to this action as a habeas corpus petition (Dkt. # 6, 7, 8, 10, 13, 14, 15 and 16). The original proposed complaint is a civil rights action brought pursuant to 42 U.S.C. § 1983 (Dkt # 1, proposed complaint). The original document listed 20 persons as defendants.

1 The action did not contain a clear request for relief.

2 Plaintiff has clarified that he is attempting to seek both habeas relief, release from confinement, and
3 monetary damages in this action (Dkt # 8). The case is not yet in a position for the court to consider any
4 request on the merits. Further until the issue of payment of the filing fee is addressed, the court will not
5 consider any pending motions. Plaintiff has yet to pay the filing fee.

6 Plaintiff's motion to have funds deducted from a settlement in another case to pay this filing fee is
7 **DENIED**. Plaintiff is directed to pay the filing fee as ordered by **December 3, 2007**, or move for an
8 extension of time to pay the fee if he does not currently have the settlement funds in his possession.

9 All other pending motions are **DENIED WITHOUT PREJUDICE**. Once the issue of payment of
10 the filing fee has been addressed, the court will consider the original proposed complaint and an order will
11 issue. Until plaintiff receives that order he is instructed that this action is **STAYED**.

12 The Clerk is directed to send plaintiff a copy of this to plaintiff and note the **DECEMBER 3, 2007**,
13 due date on the court's calendar.

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15 DATED this 27 day of November, 2007.

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18 /S/ J. Kelley Arnold
19 J. Kelley Arnold
20 United States Magistrate Judge
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